IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 631 of 2000

in

SPECIAL CIVIL APPLICATIONNo 9047 of 1999

with

LETTERS PATET APPEAL Nos. 632 to 641 of 2000

with

CIVIL APPLICATION Nos. 9434 to 9444 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

UNION OF INDIA

Versus

DOLUBHAI KAMALBHAI PARMAR

Appearance:
MR JC SHETH WITH MR UM SHASTRI FOR THE appellants in all the LPAs and CAs.

MR R.C. KAKKAD, learned advocate, for respondent-claimants in LPA Nos.631, 633, 634, 636, 638 and 641 of 2000 with Civil Applications.

MR J.D.AJMERA, learned advocate, for respondent No.1 and Mr.B.D.Karia, learned advocate, for respondent No.2 in LPA Nos.635 and 640 of 2000 with Civil Applications.

MR D.SEJPAL, learned advocate for respodent No.1 in LPA Nos.637 and 639 of 2000 with Civil Applications.

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE Y.B.BHATT

Date of decision: 06/02/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

In this group of 11 Letters Patent Appeals, challenge is against the order passed by the learned single Judge in Special Civil Application Nos.9047, 9053, 9055 and 9057 of 1999, whereby, the petitions filed by the present appellants, Union of India, through the General Manager, Western Railway, came to be dismissed, subject to certain directions contained in the impugned order, by the judgment and order dated 18th July, 2000. The writ petitions under Article 226 of the Constitution of India came to be filed against the interim order of the Motor Accident Claims Tribunal, Jamnagar, in different Motor Accident Claims Petitions, in exercise of statutory powers incorporated in section 140 of the Motor Vehicles Act, 1988 (MV Act, 1988, for short), wherein, the Tribunal upon consideration of the facts and rival versions, at that stage, granted interim compensation of an amount of Rs.50,000/- in case of fatal injury and an amount of Rs.25,000/- in case of injured claimants, in exercise of powers under section 140 of the MV Act, 1988, inter alia, observing that the interim compensation amount granted under the order of the Tribunal shall be subject to the final decision that may be reached upon full-fledged trial. The Tribunal directed, in each case, that 60 per cent of the share out of the interim compensation shall be paid to the respective claimants in cash and by way of account payee cheque, whereas, remaining amount of 40 per cent share shall be invested

in fixed deposit receipts in the name of claimants for a spell of five years. The orders came to be recorded on 28.4.99 by the Tribunal.

Being dissatisfied by the said orders in a group of claim petitions, the aforesaid writ petitions came to be filed, at the instance of Union of India, through the General Manager, Western Railway, which came to be dismissed with the directions by the learned single Judge on July 18, 2000. The learned single Judge directed that the entire amount in the shape of interim compensation awarded by the Tribunal shall be deposited in fixed deposit receipt in the name of Registrar, initially, for a spell of five years and the claimants shall be entitled to only for the interest monthly or quarterly that may accrue, therefrom. That is how, we are called upon, now, in this group of 11 Letters Patent Appeals under clause 15 of the Letters Patent to examine and adjudicate upon whether the impugned orders passed by the learned single Judge required any interference, to which our spontaneous answer is in the negative, since the interim order under section 140 of the MV Act, 1988 is passed by the Tribunal and sufficient safeguards for the amount are laid down by giving directions in the impugned orders of the learned single Judge, and again, which is subject to the adjustment against the amount that may be, finally, fixed by the Tribunal, as also, looking to the underlying design and desideratum of the provisions of section 140 of the MV Act, 1988. Therefore, at this stage, without entering into other merits, we do not deem it necessary to interfere with the impugned orders and the entire group of 11 Letters Patent Appeal shall stand dismissed, since common questions are involved and upon consensus, in the form of joint request for final hearing was accepted and the matters were taken up for final hearing, with no order as to costs.

In view of the judgment and order recorded in the main Letters Patent Appeals, the civil applications do not survive and they are, accordingly disposed of. Rule discharged.

(J.N.Bhatt, J.)

(Y.B.Bhatt, J.)

(vjn)